HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 19877 of 2007

Dated

Between

Smt. T.Shanthi

…Petitioner

and

The District Collector,Chittoor District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 19877 of 2007

ORDER:

In this Writ Petition, the petitioner has questioned the notice dated 25-8-2007 issued in Memo No.C.421/2007, demanding payment of Rs.2,36,880/- and Rs.10,290/- towards deficit stamp duty and registration fee respectively, pursuant to the order dated 29-3-2004 in Proceedings No.MV/968.1/2004, passed by the District Registrar, Chittoor District.

The petitioner purchased an extent of Ac.0.86 cents covered by Sy.No.180/1 of Chittoor from her vendors, Smt. G.D.Nancharamma and her son, and, presented the document for registration showing consideration as Rs.86,000/-. As much as the stamp duty was not paid as per the value shown in the Basic Value Register, the said document was kept pending for registration and matter was referred to the Collector for determination of the market value and proper stamp duty

payable thereon. The Collector in turn referred the same to the District Registrar, who passed the order under Section 47-A of the Indian Stamp Act, 1899, directing to pay Rs.2,46,880/- towards deficit stamp duty and Rs.10,290/- towards registration fee.

It is the grievance of the petitioner that after the document was presented for registration, no orders have been served on the petitioner, including the order passed under Section 47-A of the Indian Stamp Act, 1899, but however, impugned notice is issued demanding an amount of Rs.2,46,880/- towards deficit stamp duty and Rs.10,290/- towards registration fee.

No counter affidavit is filed. However, based on the record, it is fairly submitted by the learned Government Pleader appearing for the respondents that though a copy of the order dated 29-3-2004 is marked to the petitioner, but however, there is no proof of service of such order on the petitioner. As much as the order dated 29-3-2004 is not served on the petitioner at all, the delay in payment of stamp duty and registration fee cannot be attributed to the petitioner. In that view of the matter, the notice dated 25-8-2007 issued in Memo No.C.421/2007 is set aside and the Writ Petition is disposed of permitting the respondents to serve a copy of the order dated 29-3-2004 in Proceedings No.MV/968.1/2004, passed by the District Registrar, Chittoor District on the petitioner and take steps accordingly. It is also made clear that if the petitioner is aggrieved by the order dated 29-3-2004, it is open for her to question the said order.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 26-10-2007.

Msnr.